GLENN M. AZZINARI CHAPLES G. BANINO EUGENE J. CALLAHAN THOMAS L FUERTH HARLAN T. GREENMAN KEVIN M. HIRSON POBERT E JACOBS WILLIAM J MAC KNIGHT JR. JOHN T. MORIN KEITH M. PINTER DANIEL POZIN WILLIAM & SCHREIBER CLINTON B. SMITH IRA B. STECHEL SUSANNE NIENABER VON TÜRK ANNIE J. WANG WAYNE L. WARNKEN DONALD JAY WOLFSON

VENAN J. ALESSANDRON: M. DAVID TELL RETIRED PARTNERS

825 THIRD AVENUE STUART E, BERELSON RICHARD G, HEWITT LESTER D, STEINMAN NEW YORK, NY (212) 68 46 CUMENT COUNSEL FACSIMILE (ZI ) DE BOTRONICALLY FIL L W. MACKAY , WARSHAUER E-MAIL: wkg@wkgjcom. COUNBEL DATE FILED: NOV 2 1 2007 LYNI WEINIG L. WAGNER ELLZABETH L CHAMULAK GAYLE S OSHRIN JENNIFER L. MARLBOROUGH JOSEPH M, YOO

November 16, 2007

BARBARA J. KWON STEFI N. KAPLAN WESTCHESTER OFFICE 389 KNOLLWOOD ROAD

WHITE PLAINS, NY 10603 (914) 997-0900 SO ORDERED 997-1039

GEORGE B. DANIF

SEAN T. O'LEARY

MICHAEL MANDEL ROBERT J. PELKOWSKI, JR.

## VIA ECF

The Honorable Judge George B. Daniels
United States District Court for
the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007

NOV 2 1 2007

Re:

Metropolitan Life Insurance Company v. Campbell, et al.

CV 07-7310 (GBD)

Dear Judge Daniels:

Our firm is local counsel for the defendants in the above-referenced action, Kathryn Claire Campbell and Sharon Campbell (the "Defendants"). The Defendants' lead counsel in this action is Robison, Belaustegui, Sharp & Low of Rono, Nevada.

The plaintiff, Metropolitan Life Insurance Company (the "Plaintiff"), is represented in this action by d'Arcambal Levine & Ousley, LLP.

The Defendants respectfully request an extension of time until December 7, 2007 – to file their (i) Reply to the Plaintiff's Opposition to the Defendants' Motion to dismiss the Plaintiff's Complaint, or to stay this action pending resolution of a parallel Nevada Action (the "Dismissal Motion") and (ii) Opposition to the Plaintiff's Cross-Motion to interplead disputed funds into Court and enjoin the Nevada Action from proceeding (the "Cross-Motion"). The

<sup>&</sup>lt;sup>1</sup> The parallel Nevada action, entitled <u>Campbell v. Werner, et al.</u> (Case No. CV07-01631), is pending in the Second Judicial District Court of the State of Nevada, County of Washoe (the "Nevada Action").

## WORMSER, KIELY, GALEF & JACOBS LLP

The Honorable George B. Daniels November 16, 2007 Page 2

Plaintiff's attorneys advise that the Plaintiff consents to this request by the Defendants for an extension of time until December 7, 2007.

As provided in the Notice of the Dismissal Motion (filed on September 7, 2007), any opposition papers were due to be filed and served by September 21, 2007. On September 17, 2007, the Defendant consented to the Plaintiff's request for an extension of time to respond to the Dismissal Motion until October 22, 2007. On September 20, 2007, Your Honor granted the Plaintiff's letter-request for an extension of time to respond to the Dismissal Motion until October 22, 2007.

On or about October 16, 2007, the Defendant consented to Plaintiff's request for a second extension of time to respond to the Dismissal Motion until November 12, 2007, provided that the Plaintiff consents to any similar request for an extension of time on behalf of the Defendants. On October 29, 2007, Your Honor granted the Plaintiff's letter-request for a second extension of time to respond to the Dismissal Motion until November 12, 2007.

Moreover, on or about October 23, 2007, Your Honor rescheduled the Initial Pretrial Conference (which had been scheduled for October 25, 2007) for December 4, 2007. (The parties understand that this Conference remains scheduled for December 4, 2007.)

On November 9, 2007, the Plaintiff filed its Opposition to the Dismissal Motion, as well as its Cross-Motion.

Any Reply by the Defendants to the Plaintill's Opposition to the Dismissal Motion is due today, November 16, 2007. Furthermore, any Opposition by the Defendants to the Plaintiff's Cross-Motion is due a week from today, November 23, 2007.

Accordingly, the Defendants request an extension of time – until December 7, 2007 – to file and serve their (i) Reply to the Plaintiff's Opposition to the Dismissal Motion and (ii) Opposition to the Plaintiff's Cross-Motion.

## WORMSER, KIELY, GALEF & JACOBS LLP

The Honorable George B. Daniels November 16, 2007 Page 3

We, of course, remain available should this Court have any questions, comments and/or concerns.

Respectfully submitted,

Sean T. O'Leary

cc: <u>Via Facsimile</u>

James M. Lenaghan, Esq. Eugene Killian, Jr. Esq.